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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

T.E.A.M. Entertainment, Inc., Inc. Plaintiff, v. Ashanti Douglas and Tina Douglas Defendants.	04 Civ 1552 (JSR) **DECLARATION OF WILLIAM ARCHER IN SUPPORT OF ASHANTI AND TINA DOUGLASES' MOTION IN LIMINE**

I, William Archer, declare as follows:

I am a member of Lewis Brisbois Bisgaard & Smith, counsel for defendants Ashanti and Tina Douglas in the above-captioned matter. I have personal knowledge of the facts set forth herein and could competently so testify.

1. On March 30, 2006, this Court issued an order granting T.E.A.M. Entertainment, Inc. ("T.E.A.M.") leave to conduct four narrow categories of discovery as to third parties Universal and Sony, "as promptly as possible". Despite the order, T.E.A.M. then by its counsel's own admission waited at least 40 days thereafter to finally serve the subpoenas on Universal and Sony.

2. On May 12, 2006, T.E.A.M.'s counsel tried mightily in a conference call with this Court to be given until July to designate its experts. The Court rejected that attempt and set June 16 as T.E.A.M.'s expert report deadline. On June 14 and 15, however, T.E.A.M. used the fact that it had waited at least 40 days to serve the third party subpoenas (in defiance of this Court's order that they be served "as promptly as possible") as an excuse to once again request the July expert disclosure that this Court previously denied, saying that without the subpoenaed documents (that they waited 40 days to subpoena, in contravention of the March 30 order), they could not meet the expert deadline. The Court granted T.E.A.M.'s extension but noted that sanctions may be in order.

3. On June 15, the Court ordered that T.E.A.M.'s expert reports would be due by July 3, that Ashanti would have until July 17 to depose T.E.A.M.'s experts, that Ashanti would have until August 7 to serve her expert reports and that T.E.A.M. would have until August 21 to depose Ashanti's experts.

4. T.E.A.M. designated Moses Avalon and Seymour Straus. We noticed Avalon's deposition for July 17. As the Avalon deposition approached, we had to threaten a motion to compel because we had never received any documents in response to requests for production that we had served on T.E.A.M. on May 2, 2006.

5. On July 12 counsel sent an e-mail to me saying:

> "I am informed that we will not get our hands on T.E.A.M.'s financial documents that are with Padell's office until late today or early tomorrow, which

means I can't make them available to you until Friday. Do you still want to go forward with Avalon's depo on Monday? We would not be amenable to bringing him back after you have reviewed those docs."

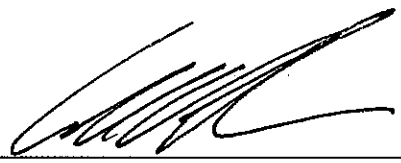
6. Since receiving the documents on Friday July 14 would have given me only one business day before the then-scheduled Avalon deposition to review the documents, I agreed to a one week continuance of the deposition. T.E.A.M. then waited nine days until today, Friday, July 21, 2006, to produce any of the documents in response to the document requests (including tax returns for Parker but none for T.E.A.M.), thus putting me in the same position I was in the prior week. The only thing that changed was that T.E.A.M. had an extra week to prepare. T.E.A.M. obviously could have produced some of these documents to us weeks earlier as it provided them or information contained in them to Avalon in time for him to utilize them in his July 3, 2006 expert witness report. Moreover, because of the form in which they produced the documents (as jpgs attached to 19 e-mails rather than as pdfs or as hard copies as we had requested on July 14), they took a very long time to print out and I did not even see them all before the deposition.

7. The obstruction of our discovery continued at the July 24 Avalon deposition with T.E.A.M.'s forcing that deposition to start over an hour and half late by showing up late, refusing to allow us to videotape a properly noticed video deposition, forcing us to call the Court and leading both the Court and me to believe that if Mr. Avalon did not drive home to change clothes (thereby resulting in a three hour delay of the deposition) he would be forced to be deposed wearing a T-shirt, only to reveal, after the Court ordered that the deposition go forward, that Mr. Avalon had, through the whole charade, a button-down shirt and jacket in his car, which he and T.E.A.M.'s counsel then fetched before permitting the deposition to begin.

8. T.E.A.M. also refused to produce any of the documents that were properly requested to be produced at the Avalon deposition until 18 days later.

9. Both Avalon and Straus admitted in deposition that they did not retain prior drafts of their reports despite the fact that drafts were properly requested in both deposition notices and I had on June 23, 2006 rejected in writing T.E.A.M.'s request to agree that drafts not be discoverable.

I declare under penalty of perjury under the laws of the states of California and New York and the United States of America that the foregoing is true and correct and that this declaration was executed this 5th day of September, 2006 at Los Angeles, California.



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